

REMARKSClaim Changes

Claim 1 is amended to recite “*enables the UART peripheral to utilize parity error information to validate communication with the KVL*” These changes are based at least on FIG. 2 and the accompanying description on page 5 lines 7-9 of the specification as filed. Thus, no new matter is added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of claims 1 - 13 under 35 U.S.C. § 102(b) as being anticipated by PSWN(“Introduction to Encryption Key Management for Public Safety Radio Systems”, 2001)

Applicant respectfully traverses in part and amends in part. Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-13 under 35 U.S.C. § 102(b) as being anticipated by PSWN.

Applicant has carefully reviewed the present application and the cited art and has amended independent claim 1 to clarify the claimed invention. In particular, independent claim 1 has been amended to recite “*enables the UART peripheral to utilize parity error information to validate communication with the KVL*”.

Applicant respectfully submits that PSWN does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1, and 6. For example, independent claim 1, as amended, recites “*driver application operates to communicate key command information to the KVL without the use of a timer peripheral and enables the UART peripheral to utilize parity error information to validate communication with the KVL*” and independent claim 6 recites “*the KVL driver operates without a timer peripheral enabling the UART peripheral to utilize parity error information to validate communication with the KVL*,” which is not anticipated either expressly or inherently, in PSWN.

Applicant respectfully disagrees with the statement in item 10, page 6 of the Office Action dated January 06, 2009 that PSWN discloses “a timer peripheral enabling the UART peripheral to utilize parity error information to validate communication with the KVL (PSWN: See page 5, section 3.2 “Key Distribution”, page 6, first paragraph and page 9, second and third paragraph).”

PSWN is directed towards effective management of encryption keys, such that they are safeguarded throughout their life cycle and are protected from unauthorized disclosure and modification. Abstract. PSWN in section 3.2 discloses that “key distribution can be performed using three methods: manual method, automated method, and a combination of automated and manual methods … The encryption key is inserted (“filled”) into each radio with the key variable loader (KVL) which must be physically connected to each subscriber unit … The encryption key is inserted (“filled”) into each radio with the key variable loader (KVL) which must be physically connected to each subscriber unit.” PSWN at best discloses a KMF sending keys to a remote KVL and to manually rekey the radio units. However, nowhere in the reference PSWN discloses validation of communication link with the KVL. Further, PSWN does not mention about utilizing parity error check information for validating the link. In contrast, Applicant's claim describes *a KVL driver application for enabling the UART peripheral to utilize parity error information to validate communication with the KVL*.

Therefore, PSWN fails to disclose “driver application operates to communicate key command information to the KVL without the use of a timer peripheral and *enables the UART peripheral to utilize parity error information to validate communication with the KVL*,” as recited by independent claim 1 and “the KVL driver operates without a timer peripheral *enabling the UART peripheral to utilize parity error information to validate communication with the KVL*,” as recited by independent claim 6.

In addition, Applicant respectfully disagrees with the statement in item 10, page 6-7 of the Office Action describing “PSWN discloses … transmitting a second detection signal from the UART to a KVL application when the UART detects a receive data byte … transmitting a third detection signal from the UART to the KVL application indicating all data has been received … transmitting a fourth detection signal from the UART to a KVL link layer application for sending subsequent data until all data has been transmitted by the UART.” (PSWN: Page 5, section 3.2 "Key Distribution", page 6, first paragraph and page 9, second and

third paragraph). The cited passages at best disclose “The central facility, called a key management facility (KMF) distributes keys by first encrypting the key and then transmitting it over the air to subscriber units in the system … The KMF can fill a KVL with encryption keys using a direct cable connection or a telephone circuit and modems to a remote KVL.” Therefore, PSWN merely describes that a central KMF transmits encryption keys to a remote KVL. For argument sake, if the Applicant concedes that PSWN discloses detection signal, PSWN fails to disclose specifically a first, a second, a third, and a fourth detection signal. In contrast, Applicant’s claim describes *transmission of a second, third, and fourth detection signals from the UART to a KVL*. In addition, PSWN also fails to disclose, when a particular detection signal is sent or what a particular detection signal indicates. Therefore, PSWN fails to disclose “transmitting a second detection signal from the UART to a KVL application when the UART detects a receive data byte; transmitting a third detection signal from the UART to the KVL application indicating all data has been received; and transmitting a fourth detection signal from the UART to a KVL link layer application for sending subsequent data until all data has been transmitted by the UART,” as recited by the Applicant’s independent claim 9.

In view of the foregoing, Applicant respectfully submits that PSWN does not disclose the claim limitations as set forth by the Applicant’s independent claims 1, 6, and 9. Applicant therefore submits that claims 1, 6, and 9 are not anticipated by PSWN, and therefore the rejection of claims 1, 6, and 9 under 35 USC 102(b) should be withdrawn. Applicant requests that claims 1, 6, and 9 may now be passed to allowance.

Dependent claims 2-5 depend from, and include all the limitations of independent claim 1, dependent claims 7-8 depend from, and include all the limitations of independent claim 6, and dependent claims 10-13 depend from, and include all the limitations of independent claim 9. Therefore, Applicant respectfully requests reconsideration of dependent claims 2-5, 7-8, and 10-13 are in proper condition for allowance and requests that claims 2-5, 7-8, and 10-13 may now be passed to allowance.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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